

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DWAYNE JONES,

Plaintiff

v.

JEROME WALSH, *et al.*,

Defendants

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3:12-CV-2336
(JUDGE MARIANI)

FILED
SCRANTON

JUL 31 2013

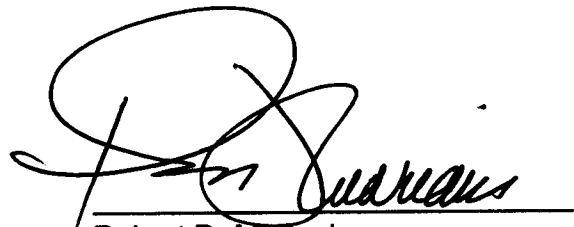
PER


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ORDER

AND NOW, THIS 31ST DAY OF JULY 2013, upon review of Magistrate Judge Carlson's Report & Recommendation (Doc. 31) for clear error or manifest injustice, Plaintiff's Proposed Amended Complaint and Declaration (Doc. 32; Doc. 33), the Amended Complaint (Doc. 10), the Motion to Dismiss filed by Defendants Walsh and Gordon (Doc. 19), and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. The Report & Recommendation (Doc. 31) is **ADOPTED**.
2. The Motion to Dismiss filed by Defendants Walsh and Gordon (Doc. 19) is **GRANTED**.
3. The claims in the Amended Complaint (Doc. 10) against Defendants Walsh and Gordon are **DISMISSED WITHOUT PREJUDICE**.
4. The Clerk of Court shall consolidate Plaintiff's Proposed Document and Declaration (Doc. 32; Doc. 33) and re-file them as Plaintiff's Second Amended Complaint.
5. The case is remanded to Judge Carlson for further pre-trial proceedings.

A handwritten signature in black ink, appearing to read "R. D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge